

Special Education Advisory Panel
December 3, 2004
Minutes

Members Present

Joe Sartorius	Steve Viola	Barbara Scheidegger
Mike Hanrahan	Richard Staley	Dan Colgan
Kent Kolaga	Rebecca Largent	Tammy Arthaud
Pam Walls	Trish Grassa	Patti Simcosky
Eileen Huth	Joan Zavitsky	Pat Jackson
Dennis Gragg	Melodie Friedebach	Cathy Meyer
Theresa Valdes	Eric Remelius	

Members Not Present

Nan Davis	Lynda Roberts	Ray Wicks
Deana O'Brien	Mary Kay Savage	Shirley Woods
Jeaneal Alexander	Dennis Von Allmen	

DESE Staff Present

Debby Parsons	Kate Numerick	Mary Corey
Karen Allan	Pam Williams	

Handouts from this meeting can be reviewed at the following website:
http://dese.mo.gov/divspeced/Administration/AdvisoryPanel/APmhndout12_04.html.

Call to Order/Introductions – Joe Sartorius called the meeting to order at 9:10 a.m. Introductions were made.

Approval of Minutes - Mike Hanrahan made a motion to approve the minutes as written. Joan Zavitsky seconded the motion. Motion passed.

Training/Professional Development Update (handouts) – Karen Allan, Assistant Director, Special Education Effective Practices (EP) Section, brought examples of the training modules for the panel to review. EP's mission is to provide researched-based effective practices to districts. To do that, they have developed a system of train the trainer models to build capacity for providing training. There are two trainers in each of the nine RPDC regions in addition to some districts having in-district trainers. The regional trainers are credentialed (observed before they can provide training). The district trainers are not observed but are used only in their district. The trainers send DESE information on who has been trained and the training evaluation information. Screen 19 of Core Data asks districts to indicate the high quality professional development that teachers are receiving and is reviewed as part of the district's MSIP.

Districts have professional development committees that decide what training their staff will attend. The Division would like to provide module information to districts early enough so that they can plan it into their schedules. The institutions of higher education will also be including the module information in their coursework. Special education consultants at the RPDCs will be working with districts that have been identified as having significant problems in the areas of elementary achievement and transition.

Kent Kolaga asked if data was available from the district trainers. Karen indicated that there is a list of all trainers (regional and district). District trainers send the Division information on attendance (special education or general education teachers, counselors, etc.), the evaluation sheets, and how they are using the information in their district. The commitment of regional trainers is for two years. The Division is targeting the modules to specific audiences (those individuals that the information would be most appropriate for). These modules are not required for districts. There are additional avenues for training available to districts. Teachers are looking for information and many schools do a good job of filtering the information to their teachers but many schools do not. It was suggested that information regarding the training modules be sent to the state's area supervisors.

Melodie indicated that the performance goals data (state data) shows a slow but steady improvement for students with disabilities. Will probably begin to see individual district data being tracked for schools that have been

identified as needing assistance. As part of the SIG grant, the special education consultants will be doing case studies on the districts they are working with. Division staff will be able to review that information on a quarterly basis to see what areas were targeted for improvement and then if their data did or did not improve based on the assistance/module training provided. Kent Kolaga indicated that he was not satisfied that the professional development system that the division has developed is what is responsible for the improvement in the state's performance data. Kent made a motion to have the programs subcommittee work with the EP section on ways to determine if this system is actually impacting improvement and to report to the Panel at the April meeting. Dan Colgan seconded the motion. Dan Colgan wanted to know how the Division would go about figuring this out. Kent did not know if it could be figured out but felt that an effort should be made. Melodie Friedebach indicated that each year schools set aside one percent of their state's appropriations to assist in professional development. Recently, the State Board wanted to know if professional development has made a difference in schools. Sue Everson was asked to do a study and she presented her findings to the State Board at their last meeting. It was suggested that the programs subcommittee meet with Sue. Dan asked the division to share with the subcommittee any information they have that may be helpful. Motion passed (majority voted yes, one member voted no).

Formal Recommendations – Information from the LRE and MGO training modules was sent to the monitoring subcommittee for their review.

Comments from the Public – No comments.

CADRE – Pam Williams, Director, Special Education Compliance Section, indicated that CADRE refers to a request that the Panel proposed regarding an independent review of child compliant decisions. Pam sent a list serve request with the CADRE (technical assistance center funded by OSEP) group. Pam received responses from six states (Kansas, Virginia, Iowa, Alabama, Mississippi, and Indiana). Three states did not have an independent review process and three states did. Of the states that did, Kansas' process was in addition to the 60 day federal timeline. When an appeal is received in Kansas, a panel of three is selected from their special education staff to conduct a hearing (by phone or in person - preference of the person making the appeal). Another state indicated that they felt that the federal regulations left the appeal procedures up to individual states and that would need to be added to a state's regulations. The additional appeal process does not appear to be a problem with OSEP. Virginia's appeal process is also in addition to the 60 day federal timeline. Virginia uses independent reviewers selected from their hearing officer list (a person cannot be a hearing office and a reviewer at the same time). Kansas and Virginia interpret the federal regulations to mean that they have to meet the 60 day timelines but that it leaves it up to individual states to develop an appeal process which must be included in their state's regulations. Indiana includes their appeal process within the 60 day federal timeline. The Panel indicated that they would like to have the division pose the question and get a written response from OSEP about going over the 60 day timelines.

Due Process Withdrawal Survey (FR #8) (handout) – Pam Williams reviewed the results from the recent due process withdrawal survey with the Panel. For withdrawals that come in over the phone, the survey questions could be asked at the time the call is received. The Panel would like to see this information again at the end of the fiscal year. Pam indicated that due process requests are processed the same day they are received unless they are received late in the day and then they are processed the next day. The letters DESE sends out are sent in overnight mail.

Data Regarding Due Process/Child Complaints - Mary Corey, Director, Special Education Data Coordination Section, and Pam Williams discussed this information with the panel (information was to the panel earlier by email). Pam Walls wanted to know if it is a bad trend that child complaints/findings against the district are staying the same. Other panel members felt that it was not a bad trend because the numbers of students receiving special education services has increased and that more parents than ever are participating in their child's education. Dan Colgan indicated that if the numbers had been increasing, he would be concerned.

Pam Walls, as a hearing officer, indicated that she would like to be notified when a hearing has been withdrawn. Pam Williams indicated that the hearing chair is supposed to notify the hearing panel members but that does not always happen. Hearing officer chairs are assigned using a rotation process.

Due Process Disclosure - Pam Williams handed out and discussed with the Panel the due process disclosure information for the 2003-04 school year. Joe Sartorius suggested that the monitoring subcommittee review this information and determine if it has addressed the issues they were looking at and recommend what data pieces they would like to review next year on an annual basis.

DESE Update – Melodie Friedebach indicated that IDEA was recently reauthorized and that the President just signed the bill this morning (effective July 1, 2005). DESE has received a publication from the National Association of State Directors of Special Education (NASDSE) that compares the new law with the current law. DESE is asking NASDSE for permission to share this copy with stakeholders in our state. The Division is discussing the possibility of having a teleconference in mid-January to share highlights of Part B. Melodie indicated that more information will be provided at a future panel meeting. She shared the following points:

- DESE is in the process of identifying the needed legislative changes as a result of the reauthorization. DESE hopes to get these passed in the FY 05 legislative session so the state will be in compliance with the new law after July 1, 2005.
- There has been a change in the special education advisory panel membership.
- There will be two opportunities for states to apply for demonstration grants; one for use of multiyear IEPs and the other will focus on paperwork reduction.
- There are several changes to the IEP; a few examples include transition services will now begin at age 16, IEP can be amended, and there will only be annual goals (no objectives or benchmarks required).
- LD eligibility (use the 1.5 standard deviation or an alternative method of identifying).
- Districts can use 15% of their IDEA funding for early intervening services that focus on services to children that are not yet identified as disabled under IDEA.

DESE v Springfield (Lewis case)-8th Circuit Court Decision – Melodie Friedebach indicated that the recent court decision held that students who meet the Missouri statutory definition of “severely handicapped” are the responsibility of DESE and the definition is not based on the student’s disability itself, but on whether the student is able to benefit from a district program. The court also held that since DESE is responsible for these students, DESE must participate in Individualized Education Program (IEP) team meetings; and fund contracts for the placements for these students. Students who are served in a district’s homebound program are not affected by this decision; nor are districts that are a part of the two special school districts (St. Louis Co. and Pemiscot Co. Sp. School Districts). DESE proposed changes in state regulations to comply with this court decision, with specific criteria to identify students who meet the statutory definition of “severely handicapped.” After public hearings/comments, the proposed regulations were presented to the State Board at their October meeting for their approval. These regulations can now be considered official.

As part of the application process, districts were asked to send the evaluation report, current IEP, progress reports, and their justification for removal from the public school placement for each of the children they felt were eligible for this fund. The Division is not overriding local IEP team decisions regarding placement; rather, the Division is determining eligibility for funding. The Division worked with Tim Lewis (University of Missouri) to develop a checklist to identify pervasive and intense. The Division received approximately 700 applications from about 30 districts. The initial review process has been completed with approximately 60 students meeting the definition based on the documentation submitted. Some districts failed to submit all of the required documentation. Letters have been sent to those districts indicating that in an appeal they could submit that information. The Division has received approximately 500 requests for a first level appeal. Debby Parsons will be reviewing the first level appeals. Second appeals can be sent by districts to Melodie Friedebach. If indeed the state becomes responsible for 700 additional students, the Division has made a request to the legislature for additional staff in three regional offices that would be able to go to the IEP meetings as well as for additional funding for these children.

Melodie indicated that there are districts that do not have access to private agencies and would not benefit from this fund. The Division would like to seek statutory changes that would clarify that DESE is only responsible for those children enrolled in the State Schools for the Blind, Deaf, or Severely Handicapped. The Division has discussed this with Protection and Advocacy, the MoCASE board, and a small group of superintendents. The Division would like to seek the creation of a new state funded “high need fund” that would be accessible by all districts, including special school districts, that would be disability and placement neutral. Once the child’s cost reached a certain amount, the state would pick up the additional cost. The Division would eliminate all of the other special purpose funds that are not in state statute (severe disabilities fund, extraordinary cost fund, etc.) and would have one fund (high need fund) in state statute. The Division is currently in the process of surveying some districts to see how many high need students they have. This information will be used when making our request to the legislature.

Blind Study – Melodie indicated that the Commissioner recently asked the Division to do a study on the services that are delivered to students who are served by State Board Operated Programs (SBOPs). The studies are to focus

on services offered by the State Board schools as well as similar students served in local school districts. The Division will begin this process with a study on services to blind and visually impaired students. The information was shared with the Blind Task Force and will be discussed further at their meeting next week. The Division plans to study services to students who are deaf and hard of hearing next and end with a study focused on severely handicapped students.

MSIP Parent Questionnaires – Debby Parsons indicated the Panel recently had questions regarding parent questionnaires and information DESE receives from the MSIP process (parent responses). Information was pulled from the most recent MSIP reports (if available) for some of the districts that panel members represent.

Committee Reports

Evaluation (Status of Annual Report) - Joan Zavitsky said she would follow up with Lynda Roberts to determine the status of the Annual Report. If information is still needed from subcommittees, the chairs will be notified.

Rules and Regulations – Pat Jackson handed out notes from a recent conference call the subcommittee had. It was suggested that a permanent item be added to the Panel meeting agendas under New Business called Upcoming Rulemaking Items. Deana O'Brien has been added the special education list serve (SELS).

Joe Sartorius will let Deana O'Brien know that the Panel would like for the Rules and Regulations subcommittee to delve into the funding issue (Lewis decision) and bring back suggestions to the next panel meeting. Melodie indicated that she could share their suggestions with the Commissioner. Melodie indicated that the complete proposal is not finished yet. The subcommittee can review the concept now and provide input and reactions to this proposal.

Monitoring Subcommittee and Programs Subcommittee – No comments

Nominations – Barbara Scheidegger indicated that a letter was drafted sent to Lina but it was sent to the wrong email. Information will be resent to Lina for distribution to the charter schools. Joe Sartorius suggested that the subcommittee chairs could be changed and that the people serving on the subcommittees could be allowed to move from one subcommittee to another. If there are sufficient names in the nominations pool, the subcommittee will review and if not, they will try to recruit additional names.

Public Comment – Cathy Meyer indicated that their subcommittee met via conference call a couple of times and feels that public meetings should be held in the spring (see handout for details). Minutes would need to be taken for each public meeting but Panel members would not answer any questions at these meetings. Eric Remelius was not sure how much information would actually be obtained from these meetings. Could the Panel meetings be advertised better? It was suggested that the public meetings be held in conjunction with other meetings already taking place.

Kent Kolaga made a motion that the subcommittee should begin planning for their first public forum to be held in the spring. Eric Remelius seconded the motion. Melodie Friedebach indicated that she would need more information before being able to approve funds. Melodie needs specific information on location, how it will be announced to the public, and printing/newspaper costs. What the focus and purpose is in addition to the audience that will be invited. How will data be collected and analyzed? It was suggested that the public forums would give Missouri's citizens the opportunity to share with the Panel concerns they may have regarding the state's educational system and how it may not be meeting their needs and why. Pam Walls indicated that every time she brings something to the attention of the Panel, she is talked down because it is too anecdotal and that the Panel should be looking at the broad picture instead. Pam indicated that she hopes to also see school personnel at these meetings and not just parents. Kent reminded the Panel that this subcommittee was formed to review this issue. The subcommittee will report at the February meeting where their plans are and discuss any details that may need to be worked out. The subcommittee will also present to Melodie detailed information on the costs associated with the public meeting. It was suggested that the panel review the information, look for trends, and determine what suggestions could be made to DESE. Are there other ways that the Panel could receive public comments without being dependent on funds from DESE? Could the RPDCs be of assistance? Motion passed (one opposed).

Melodie suggested that a facilitator be brought in to determine what the Panel feels are unmet needs in the state.

Adjournment - Cathy Meyer made a motion to adjourn the meeting. Mike Hanrahan seconded the motion. Meeting was adjourned at 3:45 p.m. NOTE: Working lunch was at 11:30 a.m.